

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA’s eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes
- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O’odham culture and history

Cultural (TCP) enhancement purposes to elevate O’odham knowledge and awareness of these two sites so that any negative impact on their “presence” in O’odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo with regard to their eligibility under Criterion D of the NRHP. However, through implementation

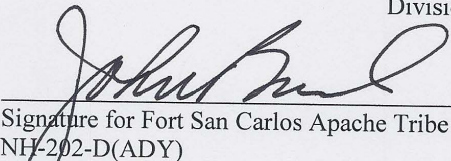
of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of “adverse effect” for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA’s determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,
Rebecca Swiecki

Karla S. Petty
Division Administrator

 2/5/13
Signature for Fort San Carlos Apache Tribe Concurrence Date
NH-202-D(ADY)

Enclosures

cc:
Vernelda Grant, Tribal Historic Preservation Officer (with enclosure)
RSwiecki
LDavis (EM02)
RSwiecki:cdm



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January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Ms. Diane Enos, President
Salt River Pima-Maricopa Indian Community
10005 East Osborn Road
Scottsdale, Arizona 85256

Dear President Enos:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O’odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC’s Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

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Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.

Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O’odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), was provided in prior consultation.

At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:

- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA’s eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

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Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes
- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O’odham culture and history


Cultural (TCP) enhancement purposes to elevate O’odham knowledge and awareness of these two sites so that any negative impact on their “presence” in O’odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo with regard to their eligibility under Criterion D of the NRHP. However, through implementation

of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of “adverse effect” for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA’s determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,


Karla S. Petty
Division Administrator

Signature for SRP-MIC Concurrence
NH-202-D(ADY)

Date

Enclosures

cc:
Shane Anton, Salt River Pima-Maricopa Indian Community, Cultural Preservation Program Manager, 10005 E. Osborn Road, Scottsdale, AZ 85256 (with enclosure)
Angela Garcia-Lewis, Salt River Pima-Maricopa Indian Community, NAGPRA Coordinator, Cultural Preservation Program, 10005 E. Osborn Road, Scottsdale, AZ 85256 (with enclosure)
Jacob Butler, Salt River Pima-Maricopa Indian Community, Archaeologist, Cultural Preservation Program, 10005 E. Osborn Road, Scottsdale, AZ 85256 (with enclosure)



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January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Ms. Louise Lopez, Chairwoman
Tonto Apache Tribe
Tonto Apache Reservation #30
Payson, Arizona 85541

Dear Chairwoman Lopez:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

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- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
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- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

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Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

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of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

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Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA’s determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

FEB 8 - 2013



Karla S. Petty
Division Administrator

 Signature for Tonto Apache Tribe Concurrence 2-6-13
NH-202-D(ADY) Date

Enclosure



ARIZONA DIVISION

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January 31, 2013

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HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Peter Steere, Tribal Historic Preservation Officer
Mr. Joe Joaquin, Cultural Affairs Office
Tohono O’odham Nation
P. O. Box 837
Sells, Arizona 85634

Dear Messrs. Steere and Joaquin:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

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Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

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- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes
- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O’odham culture and history


Cultural (TCP) enhancement purposes to elevate O’odham knowledge and awareness of these two sites so that any negative impact on their “presence” in O’odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo

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Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of “adverse effect” for the overall project remains appropriate.


Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA’s determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,


Karla S. Petty
Division Administrator

APR 18 2013


Signature for Tohono O’odham Nation Concurrence
NH-202-D(ADY)


Date

Enclosure



ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
Phone: (602) 379-3646
Fax: (602) 382-8998
<http://www.fhwa.dot.gov/azdiv/index.htm>

January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Ronnie Lupe, Chairman
White Mountain Apache Tribe
P.O. Box 1150
Whiteriver, Arizona 85941

Dear Chairman Lupe:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O’odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC’s Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project. Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O’odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), was provided in prior consultation.

At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:

- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

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Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes
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of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of “adverse effect” for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA’s determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,



Karla S. Petty
Division Administrator

Signature for White Mountain Apache Tribe Concurrence Date
NH-202-D(ADY)

Enclosure

cc:
Mark Altaha, Tribal Historic Preservation Officer, Historic Preservation Office, P.O Box 507, Fort Apache, AZ 85926 (with enclosure)
Ramon Riley, Cultural Resource Director, Historic Preservation Office, P.O Box 507, Fort Apache, AZ 85926



White Mountain Apache Tribe

Office of Historic Preservation

PO Box 507

Fort Apache, AZ 85926

Ph: (928) 338-3033 Fax: (928) 338-6055

To: Linda Davis, ADOT Historic Preservation Specialist

Date: February 21, 2013

Project: NH-202-D(ADY) TRACS No. 202L MA 054 H5764 01C 202L South Mtn Freeway DRC/EIS

The White Mountain Apache Tribe Historic Preservation Office appreciates receiving information on the proposed project, January 31, 2013. In regards to this, please attend to the following checked items below.

► *There is no need to send additional information unless project planning or implementation results in the discovery of sites and/or items having known or suspected Apache Cultural affiliation.*

N/A - The proposed project is located within an area of probable cultural or historical importance to the White Mountain Apache tribe (WMAT). As part of the effort to identify historical properties that maybe affected by the project we recommend an ethno-historic study and interviews with Apache Elders. The tribe's **Cultural Heritage Resource Director Mr. Ramon Riley** may be contacted at (928) 338-3033 for further information should this become necessary.

► Please refer to the attached additional notes in regards to the proposed project:

We have received and reviewed the information regarding ADOT's continuing technical studies in support of the EIS for 202L, South Mountain Freeway, EIS and Location/Design Concept Report proejct, Arizona, and we have determined the proposed project **will not have an adverse impact** on the White Mountain Apache tribe's (WMAT) historic properties and/or traditional cultural resources. Regardless, we recommend any/all ground disturbing activities be monitored **if** there are reasons to believe that there are human remains and/or funerary objects are present, and if such remains and/or objects are encountered all project activities should cease and the proper authorities and/or **affiliated** tribe(s) be notified to evaluate the situation.

Thank you. We look forward to continued collaborations in the protection and preservation of place of cultural and historical significance.

Sincerely,

Mark T. Altaha

White Mountain Apache Tribe



U.S. Department
of Transportation
**Federal Highway
Administration**

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500

Phoenix, Arizona 85012-3500

Phone: (602) 379-3646

Fax: (602) 382-8998

<http://www.fhwa.dot.gov/azdiv/index.htm>

January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Chris Coder, Tribal Archaeologist
Yavapai-Apache Nation
2400 West Datsi Street
Camp Verde, Arizona 86322

Dear Mr. Coder:

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Karla S. Petty
Division Administrator

Signature for Yavapai-Apache Nation Concurrence
NH-202-D(ADY)

Date

Enclosure



ARIZONA DIVISION

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Phone: (602) 379-3646
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January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Arlen Quetawki Sr., Governor
Pueblo of Zuni
P. O. Box 339
Zuni, New Mexico 87327

Dear Governor Quetawki:

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- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA’s eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes
- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O’odham culture and history

Cultural (TCP) enhancement purposes to elevate O’odham knowledge and awareness of these two sites so that any negative impact on their “presence” in O’odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo with regard to their eligibility under Criterion D of the NRHP. However, through implementation

of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of “adverse effect” for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA’s determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,



Karla S. Petty
Division Administrator

Signature for Pueblo of Zuni Concurrence
NH-202-D(ADY)

Date

Enclosure

cc:
Kurt Dongoske, Director, Tribal Historic Preservation Officer, Heritage and Historic Preservation Office, P.O. Box 1149, Zuni, NM 87327 (with enclosure)

Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.

Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O’odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), was provided in prior consultation.

At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:

- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA’s eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes
- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O’odham culture and history


Cultural (TCP) enhancement purposes to elevate O’odham knowledge and awareness of these two sites so that any negative impact on their “presence” in O’odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo with regard to their eligibility under Criterion D of the NRHP. However, through implementation

of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of “adverse effect” for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA’s determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,


for Karla S. Petty
Division Administrator

Signature for Fort San Juan Southern Paiute Concurrence Date
NH-202-D(ADY)

Enclosure



ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
Phone: (602) 379-3646
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<http://www.fhwa.dot.gov/azdiv/index.htm>

January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Terry Rambler, Chairman
San Carlos Apache Tribe
P.O. Box 0
San Carlos, Arizona 85550

Dear Chairman Rambler:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC's Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

2

Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.

Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), was provided in prior consultation.

At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:

- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA’s eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes
- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O’odham culture and history


Cultural (TCP) enhancement purposes to elevate O’odham knowledge and awareness of these two sites so that any negative impact on their “presence” in O’odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo with regard to their eligibility under Criterion D of the NRHP. However, through implementation

of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of “adverse effect” for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA’s determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,


Karla S. Petty
Division Administrator

Signature for Fort San Carlos Apache Tribe Concurrence Date
NH-202-D(ADY)

Enclosures

cc:
Vernelda Grant, Tribal Historic Preservation Officer (with enclosure)



ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
Phone: (602) 379-3646
Fax: (602) 382-8998
<http://www.fhwa.dot.gov/azdiv/index.htm>

January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Ms. Diane Enos, President
Salt River Pima-Maricopa Indian Community
10005 East Osborn Road
Scottsdale, Arizona 85256

Dear President Enos:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC's Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

3

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA's eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

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- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes
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Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O’odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

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- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA’s eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes
- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O’odham culture and history

Cultural (TCP) enhancement purposes to elevate O’odham knowledge and awareness of these two sites so that any negative impact on their “presence” in O’odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo with regard to their eligibility under Criterion D of the NRHP. However, through implementation

4

of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of “adverse effect” for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA’s determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,



Karla S. Petty
Division Administrator

Signature for SRP-MIC Concurrence
NH-202-D(ADY)

Date

Enclosures

cc:

Shane Anton, Salt River Pima-Maricopa Indian Community, Cultural Preservation Program Manager, 10005 E. Osborn Road, Scottsdale, AZ 85256 (with enclosure)
Angela Garcia-Lewis, Salt River Pima-Maricopa Indian Community, NAGPRA Coordinator, Cultural Preservation Program, 10005 E. Osborn Road, Scottsdale, AZ 85256 (with enclosure)
Jacob Butler, Salt River Pima-Maricopa Indian Community, Archaeologist, Cultural Preservation Program, 10005 E. Osborn Road, Scottsdale, AZ 85256 (with enclosure)



U.S. Department
of Transportation
**Federal Highway
Administration**

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January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Ms. Louise Lopez, Chairwoman
Tonto Apache Tribe
Tonto Apache Reservation #30
Payson, Arizona 85541

Dear Chairwoman Lopez:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O’odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC’s Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.

Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O’odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), was provided in prior consultation.

At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:

- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA’s eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes
- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O’odham culture and history

Cultural (TCP) enhancement purposes to elevate O’odham knowledge and awareness of these two sites so that any negative impact on their “presence” in O’odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo with regard to their eligibility under Criterion D of the NRHP. However, through implementation

of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of “adverse effect” for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA’s determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,



Karla S. Petty
Division Administrator

Signature for Tonto Apache Tribe Concurrence
NH-202-D(ADY)

Date

Enclosure



ARIZONA DIVISION

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January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Peter Steere, Tribal Historic Preservation Officer
Mr. Joe Joaquin, Cultural Affairs Office
Tohono O’odham Nation
P. O. Box 837
Sells, Arizona 85634

Dear Messrs. Steere and Joaquin:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O’odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC’s Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

<div>2</div> <div><p>Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.</p><p>To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled <i>Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona</i> (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.</p><p>Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O’odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.</p><p>During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled <i>A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona</i> (Darling 2005), was provided in prior consultation.</p><p>At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled <i>An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona</i> (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:</p><ul style="list-style-type: none">the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCPAZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sitesAZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP</div>
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<div>3</div> <div><ul style="list-style-type: none">AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs<p>SHPO and GRIC-THPO concurred with FHWA’s eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).</p><p>Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.</p><p>The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled <i>South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development</i> (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).</p><p>Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled <i>South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])</i> (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:</p><ul style="list-style-type: none">preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapesdevelopment of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O’odham culture and history<p>Cultural (TCP) enhancement purposes to elevate O’odham knowledge and awareness of these two sites so that any negative impact on their “presence” in O’odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo</p></div>

with regard to their eligibility under Criterion D of the NRHP. However, through implementation of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of “adverse effect” for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA’s determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,


for Karla S. Petty
Division Administrator

Signature for BIA Concurrence
NH-202-D(ADY)

Date

Enclosure

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